

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	No. CR-04-202-JLQ
	)	
Plaintiff,	)	MEMORANDUM OPINION AND
	)	ORDER DENYING MOTION FOR
vs.	)	REDUCTION OF SENTENCE
	)	
SHANNON WEAVER,	)	
	)	
Defendant.	)	

Before the court is the Defendant's Motion For Retroactive Application of Sentencing Guidelines For Crack Offense (C. R. 91) which seeks reduction of the Defendant's sentence from 63 months to the statutory mandatory minimum sentence of 60 months.

The Defendant's sentence of 63 months was not imposed by reason of the then existent crack cocaine Sentencing Guidelines. As the transcript of the sentencing hearing clearly points out, the extra three months added to the Defendant's sentence was by reason of the court finding of attempted obstruction of justice based upon clear perjury committed in the trial of the co-defendant Johnson. See Sentencing Transcript (C.R. 86-2, pages 5 & 8).

By reason of the foregoing, IT IS HEREBY ORDERED that the Motion For Retroactive Application (C.R. 91) , actually a motion for reduction of sentence, must be and is DENIED.

The Clerk of this court shall enter this Order and forward copies to counsel.

**DATED** this 7th day of May 2008.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE